

JAP:DAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M11-315

- - - - -X

UNITED STATES OF AMERICA

- against -

BILLY MICHAEL HIDALGO DEL CARMEN

Defendant.

PRE-ARRAIGNMENT
C O M P L A I N T
(21 U.S.C. §§ 952(a)
and 960)

*C7A
appointed.*

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

ANDREW KAPPAUF, being duly sworn, deposes and states that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

Upon information and belief, on or about March 25, 2011, within the Eastern District of New York and elsewhere, the defendant BILLY MICHAEL HIDALGO DEL CARMEN, did knowingly, intentionally and unlawfully import into the United States from a place outside thereof, a substance containing heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. On March 25, 2011, the defendant BILLY MICHAEL HIDALGO DEL CARMEN arrived at John F. Kennedy International Airport ("JFK") in Queens, New York, aboard Jet Blue Flight No. 828 from Santiago, Dominican Republic.

2. During an enforcement examination and interview, a Customs and Border Protection inspector noticed that the defendant BILLY MICHAEL HIDALGO DEL CARMEN appeared unusually nervous.

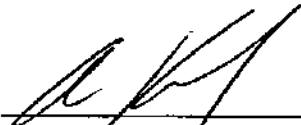
3. After further questioning, the defendant BILLY MICHAEL HIDALGO DEL CARMEN admitted to ingesting foreign bodies. The defendant was presented with an x-ray consent form, which he voluntarily signed. The defendant was thereafter transported to a medical facility at JFK where an x-ray was taken of his intestinal tract. The x-ray was positive for the presence of foreign bodies.

4. On March 26, 2011, at approximately 4:01 a.m., the defendant BILLY MICHAEL HIDALGO DEL CARMEN passed one pellet, which field-tested positive for the presence of heroin. The defendant was then placed under arrest. The defendant subsequently passed additional pellets.

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

5. The defendant BILLY MICHAEL HIDALGO DEL CARMEN will be detained at the JFK medical facility until such time as he has passed all the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that the defendant BILLY MICHAEL HIDALGO DEL CARMEN be dealt with according to law.



ANDREW KAPPAUF
Special Agent
U.S. Department of Homeland Security
Homeland Security Investigations

Sworn to before me this
28th day of March, 2011

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK